IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

WP(C).No. 32623 of 2006(H)

PETITIONER:

REGI PAILY, S/O PAILY,
PARAYIL HOUSE, THALAKKODE P.O.,
KOTHAMANGALAM, ERNAKULAM DISTRICT

BY ADV. SRI.R.KIRAN

RESPONDENTS:

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1. THE OONNUKAL SERVICE CO-OPERATIVE BANK LTD., NO.E 58, OONNUKAL P.O., KOTHAMANGALAM, ERNAKULAM, REP. BY ITS SECRETARY.

2. THE KAVALANGAD SERVICE CO-OPERATIVE BANK LTD., NO.1348, KAVALANGAD, KOTHAMANGALAM, ERNAKULAM, REP BY ITS SECRETARY.

3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), ERNAKULAM.

BY GOVERNMENT PLEADER SRI. P.N. SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 7.12.2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

W.P.(C). 32623/2006

Dated this the 7th day of December, 2006

JUDGMENT

The writ petitioner is the member of the first respondent, Co-operative bank. The area of the first respondent as well as that of the second respondent had been fixed at the time of granting permission to function within the respective areas. However, the writ petitioner apprehends that the third respondent, the Joint Registrar of Co-operative Societies, on the application of the second respondent, is intending to give permission to the second respondent, to open a new branch within that area, which would overlap the area of functioning of the first respondent. Ext.P3 representation had already been given to the third respondent and the same is pending.

2. I heard the learned counsel for the writ petitioner as well as the learned senior Government Pleader for the third respondent.

3. Considering the facts on record as well as the

provisions contained in the Kerala Co-operative Societies Act, 1969, and the Kerala Co-operative Societies Rules, 1969, I direct the third respondent to hear respondents 1 and 2 as well as the writ petitioner and dispose of Ext.P3 representation, as per the law.

4. Till the time a final decision is taken on Ext.P3 representation, the second respondent shall not be permitted to open and operate a new branch within the area of operation of the first respondent.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

mrcs